



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

January 5, 2015

BY ECF AND ELECTRONIC MAIL

The Honorable Katherine B. Forrest
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007
ForrestNYSDChambers@nysd.uscourts.gov

**Re: United States v. Mustafa Kamel Mustafa, a/k/a "Abu Hamza"
04 Cr. 356 (KBF)**

Dear Judge Forrest:

The Government writes in response to the Court's order dated December 31, 2014, for the Government's response to the defendant's request for a subpoena to the Metropolitan Correction Center ("MCC") for video and audio footage from August 1, 2014, at 10 South in the MCC, relating to an incident involving the defendant under incident report #2612506.

The Government has discussed this subpoena request with Adam Johnson, Supervisory Staff Attorney for the MCC. Mr. Johnson advised that the MCC does not have audio footage of the incident, but that the MCC has video footage. The MCC does not object to producing this video footage, provided that the Court signs the defendant's subpoena. The Government also does not object to the issuance of the defendant's subpoena for the video footage.

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The MCC has agreed to provide a copy of the video footage to the Government, which the Government will then produce to defense counsel. The parties have agreed that the video will be subject to the conditions of the protective order previously entered by the Court.

Respectfully submitted,

PREET BHARARA
United States Attorney

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